- REMARKS –

The Election Requirement of June 6, 2008 identified two allegedly distinct inventions which require election under 35 U.S.C. 121. Particularly, the following two inventions were identified: Claims 1-25 and Claims 26-49.

The Applicant accordingly elects, with traverse, claims 1-25. The remaining claims have therefore been withdrawn without prejudice.

A further restriction is required as the claims of each group are deemed to contain more than one species. For Group 1, the following species have been identified: Claim 2, Claims 3-11, Claims 12 and 25, Claims 13 and 14, and Claims 15-24.

If claim 1, which is deemed to be generic to claims 2 to 25, is deemed to be non-patentable, the Applicant elects, with traverse, claims 3-11.

The Applicant respectfully submits that the Species restriction is improper. The Applicant disputes the Examiner's claim that the species require a different field of search, that prior art applicable under one species would not likely be applicable under another species, and that the species are likely to raise different non-prior art issues under 35USC§101 and 35USC§112. Given that claim 1, which is deemed to be generic, is in a highly specialized field of art, all relevant references for any additional limitation introduced by anyone of the claims dependent on claim 1 are likely to be found in the same class/subclass. Not enough prior art exists in this field of art to justify a Species restriction and the Applicant respectfully request reconsideration.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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